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**U.S. District Court
NORTHERN DISTRICT OF OHIO (Youngstown)
CRIMINAL DOCKET FOR CASE #: 4:24-mj-06106-CEH-1**

Case title: USA v. Nshimiye

Date Filed: 03/21/2024

Other court case numbers: 1:24 CR 10071 District of
Massechusetts
1:24 MJ 1166 District of
Massachusetts

Date Terminated: 03/29/2024

Assigned to: Magistrate Judge Carmen E.
Henderson

Defendant (1)**Eric Tabaro Nshimiye*****TERMINATED: 03/29/2024****also known as*

Eric Tabaro Nshimiyimana

TERMINATED: 03/29/2024represented by **David E. Johnson**Office of the Federal Public Defender -
Cleveland

Northern District of Ohio

750 Skylight Office Tower

1660 West Second Street

Cleveland, OH 44113

216-522-4856

Fax: 216-522-4321

Email: david_johnson@fd.org**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Public Defender or**Community Defender Appointment**Bar Status: Govt***Pending Counts**

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

18 USC 1623(a) - Perjury; 18 USC 1503 and 2 - Obstruction of Justice/Aiding and Abetting; 18 USC 1001(a)(1) - Falsifying, concealing, and covering up a material fact by trick, scheme, or device.

Disposition**Plaintiff****United States of America**

represented by **David M. Toepfer**
Office of the U.S. Attorney - Youngstown
Northern District of Ohio
325 City Centre One
100 East Federal Plaza
Youngstown, OH 44503
330-740-6986
Fax: 330-746-0239
Email: david.toepfer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment
Bar Status: Govt*

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
03/21/2024		Arrest (Rule 40) of Eric Tabaro Nshimiye (1) on 3/21/2024. (S,KL) (Entered: 03/21/2024)
03/21/2024	<u>1</u>	Rule 40 Warrant received as to Eric Tabaro Nshimiye (1). (Attachments: # <u>1</u> Criminal Complaint, # <u>2</u> Affidavit)(S,KL) (Entered: 03/21/2024)
03/21/2024		Case unsealed as to Eric Tabaro Nshimiye (1). (S,KL) (Entered: 03/21/2024)
03/21/2024	<u>2</u>	CJA 23 Financial Affidavit by Eric Tabaro Nshimiye (1). Magistrate Judge Carmen E. Henderson on 3/21/2024. (S,KL) (Entered: 03/21/2024)
03/21/2024		Order [non-document] Appointing Federal Public Defender David E. Johnson for Eric Tabaro Nshimiye. The Federal Public Defender must report to the Court any significant changes in defendant's employment or financial circumstances sufficient to enable defendant to pay, in whole or in part, for legal representation. Magistrate Judge Carmen E. Henderson on 3/21/2024. (S,KL) (Entered: 03/21/2024)

03/21/2024		Minutes of proceedings [non-document] before Magistrate Judge Carmen E. Henderson. Initial Appearance in Rule 5(c)(3) Proceedings as to Eric Tabaro Nshimiye (1) held on 3/21/2024. AUSA David Toepfer present on behalf of the government. Assistant Federal Public Defender David Johnson present and appointed to represent defendant. Pretrial Supervisor Don Stranathan also present. Defendant did not admit to his identity. The government moved for detention under 18 U.S. Code § 3142(f)(2)(A). The Court required the Government to make a showing that the case met the requirements under 18 U.S. Code § 3142(f)(2)(A). The defendant argued in opposition. The Court found that the government had made a showing that the defendant was a serious risk of flight under the statute. Thus, the Court granted the government's motion for a detention hearing. Defendant did not waive any hearings in this district or agree to transfer. Therefore, the Identity, Preliminary, and Detention Hearings are set for 3/29/2024 at 03:00 PM in Courtroom 242 before Magistrate Judge Carmen E. Henderson. Defendant remanded to the custody of the U.S. Marshal pending those hearings. (Court Reporter ECRO - M. Gorby) Time: 25 minutes. (S,KL) (Entered: 03/21/2024)
03/21/2024	<u>3</u>	Notice and Order re <i>Brady v. Maryland</i> as to Eric Tabaro Nshimiye (1). Magistrate Judge Carmen E. Henderson on 3/21/2024. (S,KL) (Entered: 03/21/2024)
03/21/2024	<u>4</u>	Order of Detention Pending Hearing as to Eric Tabaro Nshimiye (1). Magistrate Judge Carmen E. Henderson on 3/21/2024. (S,KL) (Entered: 03/21/2024)
03/29/2024		Minutes of proceedings [non-document] before Magistrate Judge Carmen E. Henderson. Initial Appearance in Rule 5(c)(3) (re: Indictment) and Detention Hearing as to Eric Tabaro Nshimiye (1) held on 3/29/2024. AUSA David Toepfer present on behalf of the government. Assistant Federal Public Defender David Johnson present on behalf of the defendant. Pretrial Officer Nicholas Ayers also present. Defendant advised of the charges contained in the Indictment. Defendant signed waiver of identity hearing. The Court moved forward with a detention hearing. Proffers and Arguments presented by each party. The Court found that the government has demonstrated by a preponderance of the evidence that no conditions will reasonably assure the appearance of the defendant. Therefore, the defendant shall be remanded into the custody of the U.S. Marshal pending transfer to the District of Massachusetts. (Court Reporter ECRO - M. Gorby) Time: 1 hour. (S,KL) (Entered: 04/01/2024)
03/29/2024	<u>6</u>	Waiver of Rule 5(c)(3) Identity Hearing by Eric Tabaro Nshimiye (1). (S,KL) (Entered: 04/01/2024)
03/29/2024	<u>7</u>	Warrant of Removal to District of Massachusetts Issued as to Eric Tabaro Nshimiye (1) by Magistrate Judge Carmen E. Henderson. (S,KL) (Entered: 04/01/2024)
03/29/2024		Notice to Massachusetts of a Rule 5 Initial Appearance as to Eric Tabaro Nshimiye (1). Your case number is: 1:24 MJ 1166/1:24 CR 10071. The clerk will transmit any necessary sealed document under separate cover. Using your PACER account, you may retrieve the docket sheet and any text-only entry via the case number link. If you require certified copies of any documents, please send a request to ohndml_InterDistrictTransfer@ohnd.uscourts.gov. If you wish to designate a different email address for future transfers, send your request to InterDistrictTransfer_TXND@txnd.uscourts.gov. (S,KL) (Entered: 04/01/2024)

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA	)	Case No. 4:24 MJ 6106
)	
v.)	
	)	MAGISTRATE JUDGE
ERIC T. NSHIMIYE,	)	CARMEN E. HENDERSON
)	
Defendant.)	
	)	<u>BRADY v. MARYLAND</u>
	)	<u>NOTICE AND ORDER</u>
)	

Pursuant to the Due Process Protections Act, [Pub. Law No. 116-182](#) (Oct. 21, 2020), the court gives NOTICE and ORDERS as follows:

Pursuant to the Due Process Protections Act, the court reminds the government of its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), to disclose evidence favorable to the defendant and material to the defendant's guilt or punishment. The government is ordered to comply with *Brady* and its progeny. The failure to do so in a timely manner may result in consequences, including dismissal of the indictment or information, exclusion of government evidence or witnesses, adverse jury instructions, dismissal of charges, contempt proceedings, sanctions by the Court, or any other remedy that is just under the circumstances.

IT IS SO ORDERED.

Dated: March 21, 2024



Carmen E. Henderson
Carmen E. Henderson
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No. 4:24 MJ 6106
)	
Plaintiff,)	
	)	MAGISTRATE JUDGE
v.	)	CARMEN E. HENDERSON
)	
Eric Tabaro Nshimiye,	)	<u>ORDER OF DETENTION PENDING</u>
	)	<u>HEARING</u>
Defendant.)	

Upon motion for a continuance pursuant to Title 18, United States Code, Section 3142(f), made by counsel for defendant and/or the government, it is hereby ordered that a detention hearing is set for Friday, March 29, 2024 at 3:00 PM before Magistrate Judge Carmen E. Henderson at 337 U.S. Courthouse, 125 Market St., Youngstown, OH 44503.

It is further ordered pending this hearing the Defendant shall be held in custody by the United States Marshal and shall be produced for the detention hearing.

IT IS SO ORDERED.



Carmen E. Henderson
United States Magistrate Judge

Dated: March 21, 2024

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the
Northern District of Ohio

United States of America

v.

Eric T. Nshimiye

Defendant

Case No. 4:24 MJ 6106

Charging District's Case No. 1:24 MJ 1166-DLC

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)I understand that I have been charged in another district, the *(name of other court)* _____
District of Massachusetts

I have been informed of the charges and of my rights to:

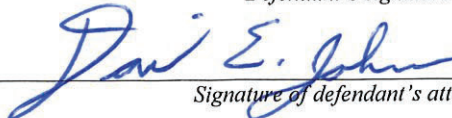
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 03/29/2024

*Defendant's signature**Signature of defendant's attorney*

David Johnson

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

United States of America)

v.)

Eric T. Nshimiye)

Case No. 4:24 MJ 6106)

Charging District's)

Case No. 1:24 MJ 1166-DLC)

Defendant

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the _____ District of Massachusetts,
 (if applicable) _____ division. The defendant may need an interpreter for this language:
 _____.

The defendant: ☐ will retain an attorney.

☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance. _____

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 03/29/2024

Carmen Henderson

Judge's signature

Carmen E. Henderson, United States Magistrate Judge

Printed name and title